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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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Requesting that the U.N. Recognise Isis Atrocities Against Christians and Other Religious and Ethnic Minorities as Genocide and Take Immediate Appropriate Action

1. Introduction

On 25 May 2018, the ECLJ submitted its sixth written and oral testimony to this Council requesting that the United Nations (U.N.) declare that ISIS is committing genocide against Christians and other religious and ethnic minorities as well as urged the Council to ensure that the Security General appoints a Special Adviser to lead the Investigative Team pursuant to Security Council Resolution 2379.

Six days after our submission, the Secretary General appointed Mr. Karim Asad Ahmad Khan to be the Special Adviser and head of the Investigative Team. Now that a Special Adviser has been appointed it is critical that he expeditiously assemble the Investigative Team in order to begin collecting and preserving the evidence of the ISIS genocide[1].

As stated in the Terms of Reference, the Investigative Team '[S]hall support domestic efforts to hold the terrorist group Islamic State in Iraq and the Levant (ISIL) . . . accountable by collecting, preserving and storing evidence in Iraq of evidence that may amount to war crimes, crimes against humanity and genocide committed by ISIL (Da'esh) in Iraq'[2].

Even though ISIS is on the run, the damage that has resulted from the ISIS genocide has created a massive humanitarian crisis. In order to provide for the lasting resettlement of Christians and other ethnic minorities there are two actions the U.N. must take immediately.

First, the U.N. must declare that the atrocities ISIS has been carrying out against Christians and other religious and ethnic minorities constitute genocide. Second, the U.N. must provide the assistance and security necessary to allow recovery from the destruction caused by ISIS's genocide and to allow for the lasting resettlement of the victims.

2. Background

As the ECLJ has submitted before, the actions ISIS has been carrying out against Christians and other religious minorities in Iraq and in the Syrian Arab Republic clearly embody the definition of genocide as enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide[3].

ISIS's systematic pattern of widespread murder, barbarism, domination, and sexual abuse has forced thousands of Christians to flee from Iraq. These acts are leading to the wholesale destruction of Christians as a group in the region. Massive deportations, widespread killings, and countless rapes may be construed as steps in the process of 'gradual weakening of the population' that will result in a religious cleansing of all Christians from ISIS controlled territories[4].

The Investigative Team will now be able to collect and preserve evidence that will hopefully lead to this body declaring that ISIS has in fact committed genocide. This declaration of genocide is necessary because it opens up avenues of aid that are otherwise unavailable to the victims of the ISIS genocide and the U.N. can then take the steps necessary to fully halt the genocide and fulfil its responsibility to protect the victims.

In Iraq, the ISIS abuses include beheadings, burning victims alive in caskets, and other barbaric acts, such as 'killings, rape, kidnapping, enslavement, theft . . . destruction of religious sites . . . sexual slavery, forced conversion, ransom

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1 Press Release, Secretary-General, Secretary-General Appoints Karim Asad Ahmad Khan of United Kingdom to Head Team Investigating Islamic State Actions in Iraq, U.N. Press Release SG/A/1806-BIO/5091 (31 May 2018), https://www.un.org/press/en/2018/sga1806.doc.htm.

2 *Id.*

3 Genocide is "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

> (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

Convention on the Prevention and Punishment of the Crime of Genocide, art. II, 9 Dec. 1948.

4 *Karadzic*, Case Nos. IT-95-5-R61, IT-9-18-R61, at ¶ 63.

demands, property seizures, and forced business closures'[5]. Islamic State fighters destroyed Iraq's oldest Christian monastery, St. Elijah's[6]. Father Paul Thabit Habib, a Catholic priest 'who now lives in Kurdish-administered Irbil', said that Iraq's 'Christian history was "being barbarically leveled"'[7]. He added, "'[W]e see it as an attempt to expel us from Iraq, eliminating and finishing our existence in this land'"[8]. Such savagery has been punctuated by evidence that the Islamic State is burning Christians alive in locked caskets[9]. These are the types of atrocities that need to be collected and investigated by the Investigative Team.

Now that ISIS controlled areas are being liberated, Iraqi Christians have begun to return home to northern Iraq only to have to turn around and leave once again because of continued conflict in the area[10] or other reasons. The reports are bleak:

> 'The reality is we cannot stay without the U.S. or the U.N. helping to protect Nineveh directly,' Father Afram al-Khoury Benyamen told Fox News after Sunday mass recently at St. George Cathedral, a 133-year-old church. 'With international protection maybe we can remain, but if it doesn't come soon . . . we go'[11].

'ISIS is not finished in Mosul and still they can come straight here,' the priest said. 'We expect more attacks. It is like staring into the darkness'. He continued, 'We are the original people, the indigenous people here in Iraq and the government should want us to stay. Instead there is nothing'[12]. And he explained the living conditions in his hometown this way: 'The village is dirty and there is no electricity. No water coming, no markets. All of our people are thinking to immigrate and leave'[13].

As has been demonstrated, continued conflict in the area poses a hindrance to the expeditious and lasting resettlement of Iraqi Internally Displaced Persons (IDPs) in their homes. It is therefore necessary for the U.N. to take intermediate measures, as well as permanent measures, to provide aid and protection.

The victims in Iraq and the Syrian Arab Republic are facing a grave humanitarian crisis. Information we are receiving from those working on the ground providing assistance confirms the reality of the situation and the need for assistance in addition to providing safety and basic necessities. In order to provide for the true lasting resettlement of the IDPs, all these issues need to be addressed.

3. Request

It is imperative that the Investigative Team begin work immediately to collect evidence of the ISIS genocide. This evidence is critical in holding ISIS responsible for their actions. Additionally, the victims will be able to get the relief and aid they need and can begin to return home and rebuild their lives.

We urge this Council to work closely with the Special Adviser and make all resources available to ensure that the job is done expeditiously and thoroughly; the lives and well-being of the victims depend on it.

The growing body of evidence demonstrates that the inhuman violence at issue, is in fact, genocide as defined by the Convention. The victims of ISIS's genocide deserve the recognition and protection of the international community, yet the world's premier international body has failed to recognise that they are indeed victims of genocide. Time is running

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5 Bureau of Democracy, H.R. and Lab., U.S. Dep't of State, Iraq 2014 International Religious Freedom Report 2 (2014).
6 *Iraq's Oldest Christian Monastery Destroyed by Islamic State*, BBC News (20 Jan. 2016), http://www.bbc.com/news/world-middle-east-35360415.
7 *Id.*
8 *Id.*
9 Anuragh Kumar, *ISIS Burns Christians Alive in Locked Caskets, Escaped Prisoner Reveals*, Christian Post (5 Jan. 2016), http://www.christianpost.com/news/isis-burns-christians-alive-locked-caskets-escaped-iraqi-soldier-islamic-state-prisoner-revels-154281/.
10 Perry Chiaramonte & Hollie McKay, *Iraqi Christians Forced to Flee Homes Again After Skirmishes Between Kurds and Central Government*, (24 Oct. 2017), http://www.foxnews.com/world/2017/10/24/iraqi-christians-forced-to-flee-homes-again-after-skirmishes-between-kurds-and-central-government.html.
11 Hollie McKay, *Life after ISIS: Christians Say They Can't Go Home Without International Protection*, Fox News (5 Dec. 2017), http://www.foxnews.com/world/2017/12/05/life-after-isis-christians-say-cant-go-home-without-international-protection.html.
12 *Id.*
13 *Id.*

out and action must be taken immediately, as one Christian survivor said of the U.N.'s inaction, '[N]o one cares about us like we are not human'[14].

While the ECLJ calls for swift and decisive action by the international community to address the genocide and protect its victims, it also understands that first the U.N. *must* recognise that the atrocities ISIS has been committing constitute genocide. A declaration by this Council that ISIS is engaged in genocide against Christians and other religious minorities and action by this Council calling for the U.N. Security Council (and other appropriate organs of the U.N.) to follow suit would carry significant weight.

The U.N. must defend the rights of all religious minorities, including the Christians in Iraq, Syria, and any other place where ISIS has been engaging in genocide – without delay. The very mission of this organisation requires nothing less.

4. Conclusion

Therefore, the ECLJ and more than 739,000 individuals worldwide who have signed our petition, urge the U.N. to declare these atrocities as acts of genocide and to assist those seeking to return home and facilitate the ultimate and lasting resettlement of the victims of ISIS's atrocities, including those who survive the genocide.

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14 GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016), *available at* http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf.